

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

HONORABLE R. KNOX McMAHON, Circuit Judge

Case No. 2011-CP-40-02140

RECEIVED

FEB 05 2014

S.C. SUPREME COURT

STANLEY OLIVER

Appellant

Vs.

THE STATE OF SOUTH CAROLINA

Respondent

MOTION FOR A STAY AND ABEYANCE

Comes Now, Stanley Oliver who will respectfully move this Honorable Court to hold the appeal filed in the above mentioned matter in abeyance and allow Appellant to go back to the lower Courts so that he can initiate a Austin v. State proceeding in order to preserve issues that were raised at the lower Court level but not ruled upon, see Marlak v. State, 653 S.E. 2d 266, 267 (S.C. 2007) ("In order to preserve issues for appellate review, counsel must carefully review the final order and address any insufficiency through a Rule 59(E) Motion requesting the PCR Court to specifically address each issue raised in the application").

Appellant believes that a Austin v. State petition is the appropriate remedy to preserve the issues he would like to have reviewed during this appeal. Because a failure to file a Rule 59(E) Motion impacts on the appellate rights of the appellant. Inasmuch as it deprives appellant of the opportunity to seek appellate review of unpreserved issues, Austin v. State, 409 S.E. 2d 395, 396 (S.C. 1991) ("The Court will allow a "successive application" where applicant was denied right to appeal denial of PCR issues.")

Wherefore Appellant hereby moves to hold the appeal filed in the above mentioned matter in Abeyance.

Issues to be addressed:

Trial Counsel's Ineffectiveness for not informing the court of conflicts of interest between attorney & client.

Trial Counsel's Ineffectiveness for not objecting to the introduction of irrelevant, prejudicial & misleading evidence.

Trial Counsel's Ineffectiveness for not pointing out the inconsistencies of state witnesses testimonies to expert witnesses.

Trial Counsel's Ineffectiveness for not objecting to the prosecutors opening & closing arguments, where prosecutors said things that were very prejudicial and speculative, and was never testified to by any witness who took the stand.

Ineffectiveness of Appellate Counsel for not raising meritorious issues pertaining to the Judge allowing my constitutional rights to confrontation to be violated.

signed in the presence of Nancy Merchant,
Notary on the 23rd day of January, 2014
1-23-2014

Stanley Oliver

Stanley Oliver - 192110
PCI/D-X-14
430 Oaklawn Rd.
Pelzer, S.C. 29669

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APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

The Honorable R. Knox McMahon, Circuit Court Judge

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FEB 05 2014

S.C. SUPREME COURT

Case No: 2011-CP-40-2140

Stanley Oliver, #192110 ----- Appellant,

v.

State of South Carolina ----- Respondent.

PROOF OF SERVICE

I certify that I have served the copy of a "Motion for a STAY and ABEYANCE" on Robert D. Corney, Esquire, Counsel for Respondent, by depositing a copy of same in the United States Mail, postage prepaid, on 1-26-2014, addressed to him as Counsel of Record at Post Office Box 11549, Columbia, South Carolina, 29211-1549.

Stanley Oliver
Stanley R. Oliver
PCI/D-X-14
430 Oaklawn Rd.
Pelzer, S.C. 29669

Stanley Oliver - 192110
PCI/D-X-14
430 Oaklawn Rd.
Pelzer, S.C. 29669

THE HONORABLE DANIEL E. SHEAROUSE
Clerk of the South Carolina Supreme Court
1231 Gervais St.
Columbia, S.C. 29201

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JAN 27 2014

P.C.I. MAILROOM

LEGAL MAIL